

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

JAN 08 2008 *BP*

JOHN F. GORDON, CLERK
BY: *[Signature]*
DEPUTY CLERK

JAMES MILLER,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,¹
Defendant.

)
) Civil Action No. 2:07cv00019
)
) **ORDER**
)
)
) By: GLEN M. WILLIAMS
) SENIOR UNITED STATES DISTRICT JUDGE

This case is before the court on cross motions for summary judgment. For the reasons detailed in the Memorandum Opinion accompanying this Order and entered this day, the Plaintiff's Motion for Summary Judgment is hereby **OVERRULED**, and the Defendant's Motion for Summary Judgment is hereby **SUSTAINED**. Judgment is hereby entered in favor of the Defendant, and the Defendant's previous decision to deny benefits is **AFFIRMED**. The Clerk is directed to enter this Order and to send copies of this Order and accompanying Memorandum Opinion to all counsel of record. The Clerk is further directed that this case is to be stricken from the docket.

ENTER: This 8th day of January 2008.

Glen M. Williams

THE HONORABLE GLEN M. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE

¹ Michael J. Astrue became the Commissioner of Social Security on February 12, 2007, and is, therefore, substituted for Jo Anne B. Barnhart as the defendant in this suit pursuant to Federal Rule of Civil Procedure 25(d)(1).